REMARKS

In response to the Office Action mailed February 13, 2003, claims 1-5, 7, 11, 19 and 20 have been amended. Claims 1-25 are active in this application, of which claims 1, 7, 11 and 21 are independent. The Office Action indicates that claims 15-20, 23 and 24 are allowable if present in independent form.

Based on the above Amendments and the following Remarks, Applicants respectfully request that the Examiner reconsider the outstanding objections and rejections and they be withdrawn.

Rejections Under 35 U.S.C. §103

In the Office Action, claims 1-3 and 6 have been rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 6,476,890 issued to Funahata, *et al.* ("Funahata") in view of U. S. Patent No. 6,424,402 issued to Kishimoto. ("Kishimoto"). This rejection is respectfully traversed.

First, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation.

It is well established that the PTO has the initial burden of establishing a *prima facie* cases of obviousness to deny patentability to the claimed invention. *In re Mayne*, 104 F.3d 1339, 41 USPQ 2d 1451 (Fed. Cir. 1997). In rejecting a claim under 35 U.S.C. § 103, the PTO is required to *point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). However, the Examiner has merely asserted that the claimed invention would

be clearly obvious without pointing out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. Accordingly, the Examiner has not met the burden.

Second, as shown in Figs. 7 and 8 of Funahata, the black matrix 24 is not formed on the transparent electrode 6, and Matsuyama fails to teach or suggest this missing feature from Funahata. Since none of the cited references teaches or suggests the claimed feature of "a black matrix formed on the transparent electrode", claim 1 and its dependent claims 2, 3, and 6 are patentable.

Accordingly, Applicants respectfully request that the rejection over claims 1-3 and 6 be withdrawn.

In the Office Action, claims 4 and 5 have been rejected under 35 U.S.C. §103(a) for being unpatentable over Funahata in view of Kishimoto, and further in view of U. S. Patent No. 6,424,402 to Matsuo, et al. ("Matsuo"). This rejection is respectfully traversed.

First, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation because the Examiner failed to point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. Accordingly, the Examiner has not met the burden.

Second, claims 4 and 5 are dependent from claim 1. As previously mentioned, Funahata and Kishimoto fails to teach or suggest "a black matrix formed on the transparent electrode", as claimed. In this regard, in Fig. 9 of Matsuo, the black matrix 231 is formed on the substrate 230.

Thus, Matsuo fails to cure the deficiency from the teachings of Funahata and Kishimoto, and claim 1 and its dependent claims 4 and 5 are patentable over Funahata, Kishimoto and Matsuo.

Accordingly, Applicants respectfully request that the rejection over claims 4 and 5 be withdrawn.

In the Office Action, claims 7-9 have been rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 5,689,318 to Matsuyama, et al. ("Matsuyama") in view of U. S. Patent No. 5,754,263 to Akiyama, et al. ("Akiyama"). This rejection is respectfully traversed.

First, it is submitted that the Examiner failed to point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. Thus, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation.

Second, amended claim 7 recites "patterning the photosensitive layer to mask the black matrix layer and to form a protrusion; and etching the black matrix layer using the patterned photosensitive layer and the protrusion as mask". None of the cited reference teaches or suggests these claimed features, and hence, claim 7 and its dependent claims 8 and 9 are patentable over Matsuyama and Akiyama.

Accordingly, Applicants respectfully request that the rejection over claims 7-9 be withdrawn.

In the Office Action, claims 10 has been rejected under 35 U.S.C. §103(a) for being unpatentable over Matsuyama in view of Akiyama, and further in view of Matsuo. This rejection is respectfully traversed.

First, it is submitted that the Examiner failed to point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. Thus, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation.

Second, claim 10 is dependent from claim 7. As previously mentioned, claim 7 is patentable over Matsuyama and Akiyama. Matsuo fails to teach or suggest the missing features from the teachings of Matsuyama and Akiyama. Thus, claim 7 is patentable over the cited references, and claim 10 would be also patentable at least for the same reason.

Accordingly, Applicants respectfully request that the rejection over claims 7-9 be withdrawn.

In the Office Action, claim 11 has been rejected under 35 U.S.C. §103(a) for being unpatentable over Matsuo in view of U. S. Patent No. 6,476,882 to Sakurai ("Sakurai"). This rejection is respectfully traversed.

First, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation.

It is well established that the PTO has the initial burden of establishing a *prima facie* cases of obviousness to deny patentability to the claimed invention. *In re Mayne*, 104 F.3d 1339,

41 USPQ 2d 1451 (Fed. Cir. 1997). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to *point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). However, the Examiner has merely asserted that the claimed invention would be clearly obvious without pointing out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. Accordingly, the Examiner has not met the burden.

Second, the Examiner admitted that Matsuo fails to show the redundant structure (Office Action, Page 5) while asserting that Matsuo teaches the claimed protrusion pattern. If Matsuo fails to teach or suggest the redundant data lines, it would not be possible to teach the claimed protrusion "formed on said common electrode *in regions corresponding to said redundant data lines*". Thus, claim 11 is patentable over the cited references

Accordingly, Applicants respectfully request that the rejection over claim 11 be withdrawn.

In the Office Action, claim 12-14 has been rejected under 35 U.S.C. §103(a) for being unpatentable over Matsuo in view of Sakurai, further in view of U. S. Patent No. 5,739,880 to Suzuki, et al. ("Suzuki"). This rejection is respectfully traversed.

Claims 12-14 are dependent from claim 11. As previously mentioned, claim 11 is patentable over Matsuo and Sakurai. Suzuki fails to cure the deficiency from the teachings of Matsuo in view of Sakurai. Particularly, Suzuki fails to teach or suggest the claimed "protrusion formed on said common electrode *in regions corresponding to said redundant data lines*". Thus,

claim 11 is patentable over Matsuo, Sakurai and Suzuki, and claim 12-14 would be patentable at least for the same reason.

Accordingly, Applicants respectfully request that the rejection over claims 12-14 be withdrawn.

In the Office Action, claims 21 and 22 have been rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 6,281,952 to Okamoto ("Okamoto") in view of U. S. Patent No. 6,433,852 to Sonoda, et al. ("Sonoda"). This rejection is respectfully traversed.

First, Applicants respectfully submit that the Examiner did not discharge the initial burden of establishing a *prima facie* case of obviousness to deny patentability to the claimed invention under 35 U.S.C. § 103 for lack of the requisite factual basis and/or motivation.

It is well established that the PTO has the initial burden of establishing a *prima facie* cases of obviousness to deny patentability to the claimed invention. *In re Mayne*, 104 F.3d 1339, 41 USPQ 2d 1451 (Fed. Cir. 1997). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to *point out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention. In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). However, the Examiner has merely asserted that the claimed invention would be clearly *obvious without pointing out precisely where in an applied reference discloses a feature relied upon to defeat the patentability of a claimed invention*. Accordingly, the Examiner has not met the burden.

Second, the Examiner admitted Okamoto fails to teach the claimed protrusion structure (Office Action, page 6). Regarding this missing feature, the Examiner asserted that Sonoda teaches a liquid crystal display device having a spacer where the claimed protrusion structure is

shown (Office Action, Page 6). However, in Sonoda, the spacer SP1 is a conductive material, not an "organic layer", as claimed. Thus, claim 21 and 22 are patentable over Okamoto and Sonoda Accordingly, Applicants respectfully request that the rejection over claims 21-22 be withdrawn.

Other Matters

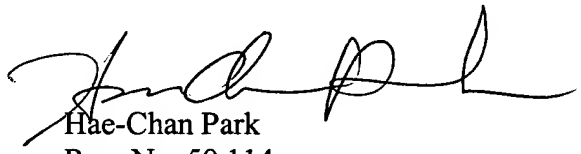
In this response, claims 1-5, 7, 11, 19 and 20 are amended for better wording and correcting informalities therein.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, claims 1-25 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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Date: May 12, 2003

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